

EXHIBIT B

Chad Modra

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN PHILLIPS,)	
)	
Plaintiff,)	Case No.
)	3:12-cv-00344-RCJ-WGC
vs.)	
)	
C.R. Bard, INC., et al.,)	
)	
Defendants.)	
)	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PAMELA B. CASON and KERRY B.)	
CASON,)	
)	
Plaintiffs,)	
)	Case No.
vs.)	1:12-CV-01288-MHS
)	
C.R. Bard, INC., and Bard)	
PERIPHERAL VASCULAR, INC.,)	
Defendants.)	
)	

30(B)(6) VIDEOTAPED DEPOSITION OF C.R. BARD, INC.
TAKEN THROUGH CHAD MODRA

Phoenix, Arizona
March 28, 2013

BY: KIM BATA, RMR/CSR
Certified Reporter 50233

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1 migration, no code for penetration, you're
2 actually not trending for those injuries?

3 A. It would -- correct.

4 Q. So no code, no trending?

5 A. That's how we would trend it.

6 Q. Okay. Thank you.

7 We'll attach as No. 6 -- Exhibit No. 6
8 to your deposition, a document with Bates range,
9 the last four digits -- actually, the letters
10 have changed for those that I didn't provide
11 copies with.

12 Just for the record, the first page is
13 BPVEFILTER-01-00002823. The title is Recovery
14 Filter (FR048F) - R002 Chronology of Events.

15 Do you see that, Mr. Modra?

16 A. Yes.

17 Q. Do you know what this is?

18 A. I have not seen it before.

19 Q. Does the series of numbers and letters
20 R002 have any significance to you?

21 A. R002 would refer to our -- I believe
22 our standard for remedial actions. As the last
23 four digits are R002.

24 Q. What's a remedial action?

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1 A. It is an action taken on a product or
2 device. It may include notification to
3 customers or up to and including removal of the
4 device from the field.

5 Q. So what triggers it?

6 A. It's an escalating series of
7 evaluations where you start with an
8 investigation, and depending on the severity
9 based on a healthy hazard assessment or health
10 hazard evaluation, HHE, that paired with the
11 occurrence of that event points you to an
12 increasing series of activities and documents.

13 So that means you start with an
14 investigation. If it's higher severity, higher
15 occurrence, we're required by procedure to
16 conduct a more -- an even more broad
17 investigation. And then it escalates from
18 there, from a division level approval to a
19 division and corporate level approval to
20 compelling us to -- requiring us to do some sort
21 of remedial action.

22 Q. You're speaking in the abstract. Can
23 you give us an example of something that would
24 trigger a remedial action?

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1 MR. NORTH: Objection to the form.

2 THE WITNESS: Misbranding. Per
3 procedure, if we identify misbranding, we would
4 go through this investigative process, determine
5 the root cause and then depending on its
6 severity, have to take various forms of action,
7 and that would include sending a letter to
8 customers maybe clarifying it. It was a
9 misbranding of something that was not related to
10 the use -- or safe use of a device. If there
11 was something inconsequential, a color on the
12 packaging or something.

13 And if it's something more than that,
14 then we would, again, based on the HHE, in the
15 occurrence level of that have to take action
16 where we would possibly remove the product from
17 the field.

18 Q. (BY MS. ZAIC) Okay. Would a death
19 trigger a remedial action, a death -- strike
20 that.

21 Would a death associated with an IVC
22 filter manufactured by Bard trigger a remedial
23 action?

24 MR. NORTH: Objection to the form.

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